

DETAILED ACTION

Response to Arguments

1. Applicant's arguments see Request for Consideration, filed December 3, 2008, with respect to claims 1-3 have been fully considered and are persuasive. The rejections have been withdrawn. Claims 1-3 are allowed.

Election/Restrictions

2. Applicant's arguments filed December 3, 2008, regarding restriction withdrawal have been fully considered but they are not persuasive.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Group 1, figure 5; Group 2, figure 8; Group 3, figure 9; Group 4, figure 10;
Group 5, figure 11.

4. The claims are deemed to correspond to the species listed above in the following manner:

Group 1, claims 1-3
Group 2, claim 4
Group 3, claim 5
Group 4, claims 6,-8
Group 5 claims 9, 10

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: claims 1-3 deal with sensor contamination wherein Groups 2-5 deal with various different sensor

characteristics at engine start. Examiner would like to note that unity of invention was not held by the International Search Authority. See page 4 of International Search Report where claims 1-3 did not hold unity of invention with claims 4-10.

6. The restriction requirement May 8, 2008 was proper and appropriately made final on September 3, 2008 Office action.

7. This application is in condition for allowance except for the presence of claims 4-10 directed to an invention non-elected with traverse in the reply filed on June 5, 2008. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

8. The prosecution of this case is closed except for consideration of the above matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARNOLD CASTRO whose telephone number is (571)272-4839. The examiner can normally be reached on Flexed M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen K. Cronin can be reached on 571-272-4536. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

/Stephen K. Cronin/
Supervisory Patent Examiner, Art Unit 3747